

The whole TRIAL of JOHN the PAINTER, for setting Fire to the Rope-House at Portsmouth, Which came on at the Affizes held at WINCHESTER, on Thursday last, the 6th of March, 1777.



As the Court had the preceding Evening adjourned to seven in the Morning, by six o'Clock on Thursday the Street of Winchester were as full of People as if it had been at Noon-day, and the greatest Part of the Company crowded up to the Castle, the Doors of which were thrown open at seven, and the Court almost entirely filled in a Quarter of an Hour. At eight o'Clock Sir William Henry Ashurst, Knt. and Sir Beaumont Hotham, came into the Court, and Silence being proclaimed, the Prisoner was led to the Bar, and arraigned by the Name of James Hill, alias James Hinde, alias John Hinde, alias James Axlan, commonly called John the Painter. Having heard his Indictment read over, he pleaded NOT GUILTY, and put himself on God and his Country.

Mr. Fielding, the Junior Council for the Crown, then shortly stated the Indictment to the Jury, which consisted of three Counts:

The first charging the Prisoner with being violently suspected of having, feloniously, wilfully, and maliciously set Fire to a certain Out-house and Building, called the Rope-house, in his Majesty's Dock-Yard at Portsmouth.

The second with 'feloniously, wilfully, and maliciously setting on Fire, burning, and destroying a certain Building, called the Rope-house, belonging to his Majesty's Dock-Yard at Portsmouth.'

The third with 'feloniously, wilfully and maliciously setting on Fire, and destroying a Quantity of his Majesty's Naval Stores, Value 300l. kept, placed, and deposited in the said Rope-Yard against the Statute, &c.'

Serjeant Davy next rose, and entered into an ample Discussion of the Question before the Jury, stating the Fact of the Fire, which was well known to have burst out on the 7th of December last, and dwelling for a considerable Time on the dreadful Consequences which might have followed, and especially pointing out the Mischief which must inevitably have fallen on us as a People, had the Scheme of burning all the Dock-Yards taken Place at this Crisis. After for some Time holding a Picture of national Horror, the Serjeant took a View of the Evidence which would be given in Support of the Indictment, and shewed that the whole of the Charge, enormous as it was, would be proved in such a Manner, that it would be impossible for the Jury to entertain a Doubt of the Guilt of the Prisoner. He declared that the Hand of Providence was apparent, and that it was owing to a most unexpected and happy Discovery that it had come to light to whom this Country was indebted for the Attempt to destroy her natural Strength, and render her an easy Prey to her Enemies; in order to prove this, he said, that by *et cetera*. One of the Witnesses, whose Name was Baldwin, had got acquainted with the Prisoner, while he was in Prison; and that the Prisoner had in the fullest Manner acknowledged his Guilt to him, stating every minute Circumstance of his Conduct, from his interview with Silas Deane, in Paris, to the moment of his being apprehended. The Serjeant took great Pains to shew that Baldwin's Testimony was unimpeachable; that it stood on the fairest and most honourable Grounds; and that it was most clearly genuine and well-founded; because that every Assertion made by Baldwin, which related to a Fact ascertainable by the Testimony of other Witnesses, was supported by the strongest and most indubitable collateral Proof.—After going through the Whole of the intended Evidence, the Serjeant held up in a new Point of View the Danger this Country had escaped, from the Failure of the Scheme; he appealed to the Jury, whether Men, so totally lost to every Sense of national Honour and Interest, Men who could become the Instrument of such desperate Wretches as Mr. Silas Deane (whose Day of Retribution was, he hoped, near at Hand) ought not to be made dreadful Examples of the Justice of an injured Nation. He concluded with hoping, that the Prisoner would be able to deny and refute what would be sworn against him; and if he failed in so doing, he repeated, that it would be impossible for the Jury, acting on Principles of Confidence, Honour, and Honesty, to acquit him.—The Serjeant then proceeded to examine the Witnesses.

James Ruffel deposed, that he was Clerk of the Rope House in Portsmouth Dock-Yard, and that a Fire burst out in the Rope-house on Saturday the 7th of December last, soon after four in the Afternoon. He described the Situation of the Rope-house, the Position of the Stores it contained, and the Quantity consumed by the Fire; and further deposed, that on the fifteenth of January, in searching the Hemp Store-House, he found a Tin Canister of a singular Construction, and at a small Distance a wooden Bottom, which fitted the Canister, and which contained a Candle stuck in the Center, and a Quantity of Pitch, Tar, and Turpentine, in a Recepracle or Hollow in the Middle of it; this Machine, he said, appeared to have been flung over the Hemp, and by striking against something the Parts had separated, [The Instrument was produced, and the Witness, after carefully viewing it, swore it was the same which he found in the Rope-house Rubbish, and delivered to Commissioner Gambier.]

William Tench deposed, that he was Apprentice to a Tin-Man in Canterbury; that the Prisoner, whose Person he recognized, came to his Master's Shop about a Month or six Weeks before Christmas, and bespoke a Tin Machine; that his Master not understanding his Directions could not make it, but that he made it, the Prisoner standing by him, and explaining as he went on in what Manner he meant it to be formed.—[The Machine was handed to him, and he swore that it was the Instrument made by him for the Prisoner.]

The Prisoner cross-examined him, and pushed him hard to fix the Time of his being at Canterbury more exactly. The Witness declared he could not to a Day. The Prisoner then questioned him as to the Identity of the Canister, and asked if one Piece of tin did not resemble another, and how he could swear that the Instrument produced was the identical Instrument he made; the Witness replied, he knew it by the Seam and the Solder, that the Solder was remarkably bad, and he could very easily swear to it.

Elizabeth Boxell deposed, that the Prisoner came and lodged at her House in Portsmouth on the 6th of December, the Day preceding the Fire; that he had not been long there before she was assailed by a violent sulphurous Smell; that she went up into his Room, and opening his Door, saw him at work with Gun-powder and other Combustibles; that she immediately asked him if he was going to set her House on Fire; that he put her off with some Excuse, and enquired if she had

eyes suffered by Fire; that he went out, and she seeing his Bundle, opened it, and there perceiving the Tin Canister, was much surprized; that she took down a Candle out of his Room, and perceived it was not the Candle she had given him up; that on his Return she inquired on his quitting her House; that he did quit it in the Morning, first expressing his Anger at her having presumed to open his Bundle, and demanding the Candle she had carried down from his Garret.

James Gambier, Esq. Commissioner of Portsmouth Dock-Yard, produced a Bundle, tied in a blue Handkerchief, which he deposed was delivered to him by his Clerk, Mr. John Jeffery, in Consequence of his having ordered a Search to be made throughout Common for such a Bundle.

John Jeffery swore that he found the Bundle produced on the 15th of January, in the House of Mrs. Cole, of North-street, Common.

Mary Cole deposed, that the Bundle produced was the identical Bundle left by the Prisoner at her House, when he engaged her Lodgings on the 7th of December last, (the Morning that the Fire happened) and which she delivered into the Hand of Mr. Jeffery.

William Abram, a Blacksmith, deposed, that he lodged at the House of Elizabeth Boxell; that on Friday the 6th of December last, the Prisoner was there, and entered into Conversation with him; that the Prisoner asked him if the Prefs was not hot in Portsmouth; and on hearing they took all Persons who could not give a good Account of themselves, he said, What then must he do if they took him, as he had nothing to shew who he was, but some Writings in his Pocket?—The Witness further deposed, that the Prisoner particularly enquired what Chance there was for an Escape, if he was taken, and what Sort of a Prison there was in Town? and on being told by the Witness, that it had very high Walls, he asked if those Walls could not be climbed over.

John Baldwin * deposed, that he was a Painter, and having been in America, he was sent by Lord Temple to the Office in Bow-street, to hear the Examination of the Prisoner, and see if he recognized his Person; that Sir John Fielding asked him the Question, and he replied in the negative; that the Prisoner instantly bowed to him from the Bar; that he followed the Prisoner after the Examination into another Room, when the latter returned him Thanks for his Behaviour, and wished he could make him Satisfaction; [Here the Prisoner hastily said, SATISFACTION—FOR WHAT? but the Court desiring him not to interrupt the Witness, but as soon as he had finished his Evidence, he should ask any Question he chose, he accorded, and the Witness pursued the Thread of his Testimony, declaring that the Prisoner told him] that he was a Gentleman, but that there had been other Persons questioned about him, who had spoke what they were entirely ignorant of, and had even gone so far as to say, he could change the Colour of his Hair if he chose, just as if he was a Camaleon; that in the Course of Conversation, the Prisoner asked him to come and see him in New-Prison; that he took the Advice of Lord Temple on the Subject, and went at four in the Afternoon to New-Prison, where he and the Prisoner, between the two Gates, talked together; that America was the Subject, and that he mentioned the Names of several Persons there, and had much Conversation about his Family, having married his Wife at Perth Amboy, and having worked at New-York and Philadelphia; that a kind of Intimacy subsisted between them, inasmuch that he visited the Prisoner daily, and frequently twice a Day, till the 15th of February; that in the Course of that Time their Conversation often turned upon America, and the Country, and its Concerns, the Prisoner spoke in general Terms, and appeared very urgent to know if General Cornwallis had been worsted; that he asked him if he knew Deane, and upon his replying in the negative, the Prisoner replied, "Not know Deane, Silas Deane! Oh, he's a fine Fellow, he's employed by the Congress at Paris: I believe Benjamin Franklin is also employed there on the same Account." That the Prisoner asked what Countryman he was; that he replied, a Welchman; that the Prisoner said he saw clearly he was nevertheless in the Interest of America, and was an American by Principle; that he therefore talked very freely to him, saying, that he knew General Washington; that he was much abler than General Howe; that the former would perplex and harass the latter during the Winter, but that the Grand Campaign was to be in the Summer; that America would certainly be victorious; that she had plenty of Pitch, Tar, and Turpentine, and that the back Country would furnish Stores; that all her Army wanted was a few Officers, and that France would supply them. On the 15th of February the Witness declared that the Prisoner fully revealed his Criminality, telling him, that he had been to Paris to Silas Deane, and had carried him an Account of the several Garrisons in this Kingdom, their present State, the Number of Guns and Men at each, and also an Account of the Quantity of Shipping in the Service of the Navy, their Tonnage, Guns, &c. That Silas Deane much applauded his Zeal; that he then proposed to him the important Scheme of setting Fire to the Dock-Yards, and offered to return and execute it; that Deane was amazed, and thought it too great a Matter to be carried into Execution by one Man; that he said, he could execute more than either he, or any Person upon the Face of the Earth, could imagine; that Deane asked him what Money he'd have; that he replied, not much, he only desired to be rewarded according to his Merit; that Deane gave him a Letter on a great Man in the City, a Merchant, with Bills drawn on the said Merchant to the Amount of 300l. That he in Consequence came over to England, and at Canterbury applied to a Tinman to make him a Machine of his own contriving, somewhat like a Canister; that the Master of the Shop was a stupid Fellow, and he could not make him understand what he meant; that he, however, found the 'Prentice more ingenious, and stood by him while he finished what he wanted; that he put it under the Breast of his Coat, and went to an Alehouse, where he was interrupted by two Dragoons, and had an Affray with them; that he got the wooden Part of the Canister also made at Canterbury, and that it fitted so close that no Person could see a Light was in it, after it was shut in; that he ordered two more of the same Kind of Canisters to be made at another Tinman's but that he left them behind him, they not being finished in Time; that he made the best of his Way to Portsmouth, and there hired a Lodging at the House of Mrs. Boxell; that he instantly set about his Preparations; that his Mode of making Matches was to fold Paper double, and cut it into Slips; and after grinding Charcoal on a Painter's Colour-stone, quite fine, and breaking Gunpowder with a Knife, as Painters do Vermillion, to mix the two in clear Water till it came to consistency of new Milk, and then to cover the Matches with it; that when so prepared, they would last, according to their length, any given Time after they were alight. That Mrs. Boxell was an impudent Woman, for that she had opened his Bundle in his

Absence, and that she had come up and seen him at Work, and being alarmed, had obliged him to quit her Lodgings. That on Friday he had got into the Hemp-House, and found the Hemp so closely packed, that it took him a considerable Time to loosen it; that he pulled off his Coat to do it, and sprinkled a Quantity of Turpentine all about the Hemp, laying also Trains of Gunpowder upon the Floor, and lightly throwing Hemp over them. That he had some Difficulty to find his Coat, and after he had found it, he perceived a good deal of Hemp upon it, which he took off; that when he attempted to go out, he found the Door fastened; that he pulled off his Shoes, and got up into the Loft, hoping to get out that way, but that he found it impracticable; that he then returned below, and hearing a Person at one of the Doors, he cried halloo! and was asked what he did there? That he replied, he went in from Motives of Curiosity, and was locked in; that the Person at first said he must stay all Night, but at length he was let out; that he found his Matches would not do, and he bought a Halfpennyworth of others, of a Woman who lived on Common; that on Saturday Morning he took two Lodgings on Common, and picked out such Houses as had most Wood in them, intending to set them on fire, that the Engines might be employed in extinguishing them while the Dock-Yard was burning. That on Saturday he got into the Rope-House again, and renewed his Labour there, cutting his Matches into short Pieces; that he waited a whole Box of Tinder in trying to make his Matches light, and almost burnt his Lips with blowing the Sparks; that he was almost ready to fire in at the Windows of the Woman he bought them of; that after firing the Rope-House, and burning the Letter to the Merchant in London, and the Bills for 300l. for fear Mrs. Boxell's having opened his Bundle should lead to a Discovery of him, he set off to escape, and, as he was running along the Road, overtook a Market-Woman's Cart; that he got up in it, and begged the Woman to drive fast, wanting to get by the Centinels, who are posted four Miles round Portsmouth; that the Woman drove pretty briskly, but had occasion to stop to purchase something; that he begged she would not, but that she said she must, but would not stay; that when she stopped, what he bought came to a Shilling; that he threw down Six-pence, got out of the Cart, and made the best of his Way towards London; that after going some way, he turned round and saw the Flames of the Rope-House, and that it appeared as if the Element was itself on Fire.

That he walked all Night, and two Dogs barking at him, he fired a Pistol at one, and he believes either killed or wounded him; that he reached Kingstown about ten in the Morning, staid there till twelve in the Evening, when he went to Town in the Stage, and on his Arrival called on the Merchant for whom the Letter had been directed; that he informed him that he came from Paris, and what had passed between him and Silas Deane, and mentioned the Bills; that the Merchant received him coldly, and said he had no Advices from Paris which adverted to the Matter; that he then told him, he had fired the Dock-Yard at Portsmouth, as he would see, by the Monday's Newspapers; that after this he accompanied the Merchant to a Coffee-house, and observing a Person there eye him in a very particular Manner, he went away, and walked to Hammer-smith; that he was much vexed at the Merchant's Reception of him, and wrote him a Letter that Night, in which he told him he was going to Bristol, where he would soon hear of his HANDY WORKS; that he went accordingly; (Here, upon a Volunteer Motion of a Council who sat at the Table, the Court objected to the Witness being examined as to any Circumstance which happened at Bristol, the Facts there not being in Question before the Court; it was agreed by the Council for the Crown to go no further into the Matter, than just as far as was necessary to confirm the Truth of Baldwin's testimony by the Affirmation of collateral Proof; he was therefore suffered to go on, and he further said,) that the Prisoner told him, that on his Arrival there he applied to a Painter in or near Bristol, and borrowed his Colour-stone, to grind his Charcoal upon. The Witness added, that the Prisoner lamented much his having left his Bundle at Portsmouth, and said it contained an English Justin, Ovid's Metamorphoses, and the Art of War, and a book of Fireworks, according to the Manner practised the last War by the Military of the King of France, with a French Passport, a Pistol, a Pair of Buckles, a Piece of an old Shirt, &c. and that what chiefly grieved him was the Passport's being there, for that it contained his real Name; it was some comfort, however, that it was in French, and probably whoever found it, would not be able to read or understand it. The Witness concluded with declaring, that he had imparted to Lord Temple and Lord George Germaine all that the Prisoner had told him.

The Prisoner having several Times offered to object to particular Parts of Baldwin's Testimony, the Judge, as soon as it was ended, told him, it was then his Time to offer his Objections, or cross-examine. He declared he could not tell at what Passage to object, unless he heard the whole again. The Judge, therefore, very distinctly recited the whole from his Notes, which were exceedingly accurate; the Prisoner, instead of objecting, barely remarked on the little Degree of Credit due to Baldwin; he was therefore told by the Court, that he had better reserve such Observations till he made his Defence. The Trial then went on, and

Evans and Wilton, two Dragoons, deposed, that they were at Canterbury on or about the 20th of November, and that they recollected that one of them had an Affray at an Alehouse with a Person, whom they verily believed to be the Prisoner, and that on his Coat flying back, one of them (Wilton) perceived something tucked in his Breast, which glinted like Tin.

Fisher, Apprentice to Mr. Tuck, a Tin-man, deposed, that the Prisoner came to his Master's Shop, and ordered two Tin Canisters to be made after the Fashion of one which he produced; that they made them accordingly, but not finishing them early enough, they were left on their Hands. [This Witness produced the two Canisters, and they closely resembled that found by Ruffel in the Rope-House.]

William Baldy deposed, that he worked in the Dock-Yard, that he saw the Prisoner in or near the East End of the Rope-House on the 6th of December, and that he also saw him there on the 7th, a few Hours before the Fire broke out, when he picked up a smooth Stone, and came and asked him if they used that in making Ropes; that he answered in the Negative; and that presently afterwards William Weston coming down Stairs from the Loft, the Prisoner went up and shook Hands with him, and he thinking they were Acquaintance, left them.

William Weston confirmed this, and added, that he had seen the Prisoner in Portsmouth some considerable Time before the Fire happened.

Cary deposed, that on the 6th of December he heard somebody cry halloo in the Rope House, and that he let the Prisoner out.

Ann Hopkins deposed, that as she was driving her Cart home from Market on the 7th of December the Prisoner overtook her on the Road, was quite out of Breath by running, and got up to ride; that he begged her to drive fast and not to stop, but that being obliged to buy something, he threw down Six-pence and ran away.

Elizabeth Gentel deposed, that she sold the Prisoner a Halfpennyworth of Matches at Common, on the 7th of December.

The young Man who lives with — Illenden, an Apothecary, at Canterbury, deposed, that within a Month, or thereabouts, of Christmas, he sold the Prisoner some Nitre and Vitriol.

Mary Bishop deposed, that she kept an Alehouse in Canterbury; that some Time between the 20th of November and the first Week in December, the Prisoner came to her House; that he complained of having been interrupted at another Public-House by two Dragoons; that to her Knowledge he got the wooden Part of the Machine now produced, made by the Apprentice to Mr. Ormishaw, but that the Apprentice was since dead.

Dalby, a Peace Officer, deposed, that he apprehended the Prisoner, and read a List of what he found upon him.

William Mason deposed, that he lived in or near Bristol, and that just previous to the Fire at Bristol, the Prisoner came

there and borrowed his Colour-Stone to grind some Charcoal, and that he lent it accordingly.

The Passport * found in the Bundle left by the Prisoner at Mrs. Cole's, was next produced, and being faithfully translated, was read to the Jury. It was a common Passport for a Month, dated the 13th of November.

* The Prisoner objected to the reading of this, and appealed to the Court upon the Propriety of it.

The Books, &c. in the Bundle were exactly the same as had been described by Baldwin in his Evidence.

This over, the Judge told the Prisoner it was then Time to make his Defence.

He began with observing, that the Passport had been lately obtained and made Evidence against him; and said, that the News-Papers had published so much about him, and there had been such a Number of Reports circulated concerning him, that he appealed to the Court whether it was not an easy Matter for such a Man as Baldwin to feign the Story he had told, and for a Number of Witnesses to be collected to give it Support. He further declared, that God alone knew whether he was or was not the Person who set Fire to the Dock-Yard of his Britannick Majesty at Portsmouth; but he begged it might be attended to, how far Baldwin ought to be credited; that if he had Art enough by Lies to insinuate any Thing out of him, his giving it to the Knowledge of others was a Breach of Confidence, and if he would speak falsely to deceive him, he might also impose on a Jury. This he dwelt upon for some Time, but ended with begging the Judge to say it in proper Terms to the Jury, declaring that he was not endowed with the Gift of Oratory, as the Court might have perceived.

The Prisoner called no Witnesses.

Baron Hotham went through the Evidence with the utmost Precision, and was above an Hour in reciting it. He made a Variety of Observations as they occurred to him, some for, and some against the Prisoner, and in particular remarked, that the Prisoner's Objections to Baldwin's Evidence were not legal Objections. The Law knew nothing of that high Point of Honour on which the Prisoner rested his Defence; if indeed the Confession had been obtained under the Promise or Bargain of Safety, or in any delusive Manner, tending to injure the Prisoner, Courts of Justice always gave such a Circumstance due Weight in Favour of the Party accused,—but here the Case was widely different; there was not a Pretence set up that Baldwin had made any Offer, or proposed any Conditions. It appeared clearly, that the Prisoner had, of his own accord, and altogether unsolicited, acknowledged what Baldwin had given in Evidence; he could not therefore consider Baldwin as a confessional Evidence, but looked upon his Testimony to be as pure and as free from Challenge, as that of any other Witness who had been sworn; and that if Evidence so produced was not admissible, a Door would be opened for the Escape of the most atrocious Offenders, who would in many Cases be enabled to set the Law at Defiance. The Judge, after having with rigid Impartiality given each Circumstance that arose in Favour of the Prisoner its full Force, made a kind of general Appeal to the Jury, and told them that it was their Duty in the present Case to consider the Fact only, and how far the Circumstances given in Evidence went towards a Proof of it. That the horrid Consequences which might have followed were not now to be adverted to, but the single Question with them was,—Is the Prisoner GUILTY or NOT GUILTY? The great Number of Circumstances, he remarked, which they had heard from the Witnesses, formed a strong Body of Evidence, and he had frequently found that a long Chain of Circumstances, supported by the concurring Testimony of many Witnesses, and closely connected, was more satisfactory than the positive Evidence of two or three Witnesses as to a Fact. That however was a Matter of their Consideration, and he did not doubt but that they would properly discharge their Conscience.

The Jury just asked each other's Opinion, and instantly pronounced the Prisoner GUILTY.

The Clerk of the Arraigns then asked the Prisoner what he had to say why Sentence of Death should not be pronounced against him, when he said aloud, NOTHING.

Baron Hotham immediately put on his Cap, and told the Prisoner that he had had a long and a fair Trial; that he had been found guilty of the Crime alleged against him, on the fullest and clearest Evidence; that he could not have any Thing to complain of in the Candour of the Court; and that his Crime was of a Nature so enormous, that it was not in the Power of Words to aggravate it; that he did not mean, in his present Moments, to heighten his Distress, but he was sorry to say that he felt, he feared, much less than he felt for him. He begged him, therefore, properly consider his Case, and prepare to meet his God, for that he was bound, and it was by much the most disagreeable Part of his Duty, to pass the Sentence of the Law upon him, and he did accordingly adjudge him to be hung by the Neck until he was dead; the Judge further told him, that he thought it right to advise him, that as his Offence might not only be fatal to every Person present, but might have involved the whole British Nation in immediate Ruin, there was not any Probability of his receiving Mercy, he therefore earnestly intreated him to spend the few Hours he had to live in preparing himself for Eternity, and by a due Repentance endeavour to obtain that Pardon in the next World which could not be given him here.

The Council for the Crown were, Serjeant Davy, Mr. Mansfield, Mr. Miffling, Mr. Buller, and Mr. Fielding.

The Prisoner had no Counsel.

The Trial lasted near seven Hours, and during the whole Time the Prisoner seemed little, if at all affected with his Situation. While one of the Council was examining an Evidence, he stopped him short, and asked "if he was Counsel for his Britannick Majesty?"—He also once controverted Serjeant Davy, and appealed to the Court whether a Question put by Mr. Mansfield ought to be put?—Upon the whole, his Behaviour was not insolent, though confident, and apparently careless of Danger; he shewed some Signs of a clear Head, but more of a fixed Enthusiasm; and before Sentence was passed, declared, "He was totally indifferent with regard to his Fate, and was willing to live or die, as the Laws and Justice required."

The regular and exact Manner in which the Witnesses were called upon, and the compact Form in which the Evidence was adduced, did Mr. Dyer, the Solicitor to the Admiralty, and Sir John Fielding, the Industry of the first of whom, and by the Advice of the second, the whole Business of this most important national Prosecution was conducted) infinite Credit.

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The Jury just asked each other's Opinion, and instantly pronounced the Prisoner GUILTY.

The Clerk of the Arraigns then asked the Prisoner what he had to say why Sentence of Death should not be pronounced against him, when he said aloud, NOTHING.

Baron Hotham immediately put on his Cap, and told the Prisoner that he had had a long and a fair Trial; that he had been found guilty of the Crime alleged against him, on the fullest and clearest Evidence; that he could not have any Thing to complain of in the Candour of the Court; and that his Crime was of a Nature so enormous, that it was not in the Power of Words to aggravate it; that he did not mean, in his present Moments, to heighten his Distress, but he was sorry to say that he felt, he feared, much less than he felt for him. He begged him, therefore, properly consider his Case, and prepare to meet his God, for that he was bound, and it was by much the most disagreeable Part of his Duty, to pass the Sentence of the Law upon him, and he did accordingly adjudge him to be hung by the Neck until he was dead; the Judge further told him, that he thought it right to advise him, that as his Offence might not only be fatal to every Person present, but might have involved the whole British Nation in immediate Ruin, there was not any Probability of his receiving Mercy, he therefore earnestly intreated him to spend the few Hours he had to live in preparing himself for Eternity, and by a due Repentance endeavour to obtain that Pardon in the next World which could not be given him here.

The Council for the Crown were, Serjeant Davy, Mr. Mansfield, Mr. Miffling, Mr. Buller, and Mr. Fielding.

The Prisoner had no Counsel.

The Trial lasted near seven Hours, and during the whole Time the Prisoner seemed little, if at all affected with his Situation. While one of the Council was examining an Evidence, he stopped him short, and asked "if he was Counsel for his Britannick Majesty?"—He also once controverted Serjeant Davy, and appealed to the Court whether a Question put by Mr. Mansfield ought to be put?—Upon the whole, his Behaviour was not insolent, though confident, and apparently careless of Danger; he shewed some Signs of a clear Head, but more of a fixed Enthusiasm; and before Sentence was passed, declared, "He was totally indifferent with regard to his Fate, and was willing to live or die, as the Laws and Justice required."

The regular and exact Manner in which the Witnesses were called upon, and the compact Form in which the Evidence was adduced, did Mr. Dyer, the Solicitor to the Admiralty, and Sir John Fielding, the Industry of the first of whom, and by the Advice of the second, the whole Business of this most important national Prosecution was conducted) infinite Credit.

